

1 **BERMAN O'CONNOR MANN & SHKLOV**
Suite 503, Bank of Guam Bldg.
2 111 Chalan Santo Papa
Hagåtña, Guam 96910
3 Telephone: (671) 477-2778

4 Attorneys for Defendant
5 *JAMES JI ENTERPRISES, INC. ET AL.*

FILED
DISTRICT COURT OF GUAM
FEB 28 2003

MARY M. MORAN
JUDGE OF COURT

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7 **IN THE DISTRICT COURT OF GUAM**

9 ALICE N. SALAS,

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11 Plaintiff,

12 v.

13 JAMES JI ENTERPRISES, JJ PACIFIC
14 DEVELOPMENT CORPORATION,
JAMES JI AND HYUNG LEE,

15
16 Defendant.
17

CIVIL CASE NO. CV02-00002

**MEMORANDUM IN SUPPORT OF
WITHDRAWAL AS COUNSEL**

18 **MEMORANDUM IN SUPPORT OF WITHDRAWAL AS COUNSEL**

19 COMES NOW, Daniel J. Berman, Esq., of the Law Offices of Berman O'Connor Mann &
20 Shklov, and hereby requests this Court to enter an Order granting withdrawal as counsel of record
21 for Defendants James Ji Enterprises, JJ Pacific Development Corporation, James Ji and Hyung Lee
22 due to the clients' failure to pay for legal representation and services. This request is supported by
23 the Memorandum of Points and Authorities below and the Declaration of Daniel J. Berman, Esq.,
24 filed contemporaneously herewith.

25 **MEMORANDUM OF POINTS AND AUTHORITIES**

26 The Law Offices of Berman O'Connor Mann & Shklov brings on this Motion to Withdraw
27 as the Counsel of Record for Defendants James Ji Enterprises, JJ Pacific Development Corporation,

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James Ji and Hyung Lee, due to their failure to pay for legal representation by their attorney.

Counsel finds it not possible to continue to represent Defendants James Ji Enterprises, JJ Pacific Development Corporation, James Ji and Hyung Lee in light of the clients' failure to pay for counsel's representation. This request to withdraw is made in compliance with the spirit and letter of the Model Rules of Professional Responsibility, and with the desire not to prejudice the rights of the clients in this matter.

Rule 1.16 Declining or Terminating Representation states that a lawyer shall withdraw when:

(a)(3). The lawyer is discharged;

(c) a lawyer may withdraw from representing a client if withdrawal can be accomplished without material adverse affect on the interests of the client, if

...

(4). The client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;

The Rules make it clear that a lawyer must withdraw from representing clients when the clients make it impossible for the lawyer to effectively represent the client.

As the Declaration accompanying this Motion illustrates, counsel has notified clients that he will terminate representation based on clients' discharge of the attorney rendering the continued representation impossible.

For these reasons, Daniel J. Berman, Esq., and the Law Offices of Berman O'Connor Mann & Shklov, respectfully request that they be permitted to withdraw as the counsel of record for the Defendants James Ji Enterprises, JJ Pacific Development Corporation, James Ji and Hyung Lee herein.

Dated this 27 day of February, 2003.

Respectfully submitted.

BERMAN O'CONNOR MANN & SHKLOV
Attorneys for Defendant *JAMES JI*
ENTERPRISES, INC. ET AL.

By:


DANIEL J. BERMAN